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6 UNITED STATES OF AMERICA,

7 Plaintiff,

No. CR 14-00306 WHA

8 v.

9 LUKE D. BRUGNARA,

10 Defendant.

11 / **OMNIBUS ORDER RE MOTIONS**
TO QUASH SUBPOENAS

12 On April 28, 2015, the Court heard motions to quash several subpoenas issued to six
13 different recipients. The undersigned judge ruled on the record during the hearing and this order
14 summarizes those rulings:

15 (1) **SUBPOENAS TO GLENN DYER JAIL.**

16 Two subpoenas were served on Glenn Dyer jail. The first was a subpoena to testify
17 issued to Deputy Douglas Haynes. Defendant stated that Deputy Haynes would testify to
18 defendant's current physical condition and how it has deteriorated over the past several months
19 in custody. This does not appear relevant, but it is conceivable that it could become relevant
20 later in the trial. For now, this subpoena will be **HELD IN ABEYANCE**. Deputy Haynes does not
21 have to appear to testify, but he shall remain on standby until the trial is over, and he could be
22 called to testify depending on how the case develops.

23 The second subpoena to Glenn Dyer requested all call records and recordings of phone
24 calls defendant made to his wife from custody since June of 2014. For the reasons stated on the
25 record, this subpoena is overbroad, seeks inadmissible evidence, and is therefore **QUASHED**.

26 (2) **SUBPOENA TO SI NEWHOUSE.**

27 Defendant subpoenaed SI Newhouse, an elderly and frail man in New York, and seeks to
28 introduce his testimony regarding a 2002 art deal with Walter Maibaum. Newhouse's testimony

1 would constitute extrinsic evidence of a witness's trait for honesty, which is inadmissible under
2 the Federal Rules of Evidence. The subpoena issued to SI Newhouse is **QUASHED**.

(3) SUBPOENA TO GARY TINTEROW.

4 Defendant subpoenaed Gary Tinterow and seeks to introduce his testimony regarding
5 Valsuani Degas sculptures. At the hearing, defendant orally withdrew his subpoena request, and
6 the subpoena is thus **QUASHED**.

(4) SUBPOENA TO JOAN MICHELMAN.

8 Defendant subpoenaed Joan Michelman, who testified that she sold several items of
9 expensive art to defendant between 2002 and 2006. Michelman stated that she would need to
10 review her records in order to refresh her recollection regarding art sales to defendant.
11 Michelman also testified that she had never heard of Rose Long and only knew Walter Maibaum
12 by name. For now, this subpoena shall be **HELD IN ABEYANCE**. Michelman will check her
13 records and email Courtroom Clerk Dawn Toland to inform her of what the records reveal. If
14 the undersigned judge rules that Michelman must testify, it may be possible to arrange for video
15 testimony, due to Michelman's health concerns and inability to travel.

(5) SUBPOENA TO JACK SHAOUL.

17 Defendant subpoenaed Jack Shaoul and seeks to introduce his testimony regarding a
18 previous art deal with Walter Maibaum. Shaoul's testimony would constitute extrinsic evidence
19 of a witness's trait for honesty, which is inadmissible under the Federal Rules of Evidence. The
20 subpoena issued to Jack Shaoul is **QUASHED**.

(6) SUBPOENA TO PATRICIA FAILING.

22 Defendant subpoenaed Patricia Failing and seeks to introduce her testimony regarding
23 Valsuani Degas sculptures. At the hearing, defendant acknowledged that Failing could not add
24 any relevant testimony beyond what Walter Maibaum has already testified to regarding Valsuani
25 Degas sculptures. The subpoena is therefore **QUASHED**.

IT IS SO ORDERED.

27 || Dated: April 29, 2015.

Wm Alsup
WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE